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Agenda item 103

CRIME PREVENTION AND CRIMINAL JUSTICE

Crime prevention and criminal justice measures to eliminate violence against women

Note by the Secretariat

By its resolution 1997/24, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Crime prevention and criminal justice measures to eliminate violence against women". The text of the draft resolution is reproduced below.

The General Assembly,

Bearing in mind its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Strongly condemning all forms of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women[1] contributes to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements that process,

[1] **General Assembly resolution 34/180, annex.**

Recalling the Beijing Declaration[2] and Platform for Action[3] adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995, and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

Recognizing the need to fully implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

Recalling Commission on Human Rights resolution 1997/44 of 11 April 1997, on the elimination of violence against women,

Welcoming the renewal of the mandate by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences,

Recalling the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

Affirming Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

Acknowledging the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies in working towards the elimination of violence against women,

1. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

2. Also urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in areas such as social development, environmental design and educational prevention programmes;

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[2] **A/CONF.177/20 and Add.1, chap. I, resolution 1, annex I.**

[3] **Ibid., resolution 1, annex II.**

3. Further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

4. Calls upon the Commission on Crime Prevention and Criminal justice, through the Crime Prevention and Criminal Justice Division of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate and to coordinate with all relevant organs, bodies and other entities of the United Nations system their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

5. Calls upon the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

6. Requests the Commission on Crime Prevention and Criminal Justice to ensure that Strategies for Confronting Domestic Violence: a Resource Manual,[4] which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

7. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate Strategies for Confronting Domestic Violence: a Resource Manual into local languages and to ensure its wide dissemination for use in training and education programmes;

8. Takes note of the report of the Secretary-General on the elimination of violence against women,[5] including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including specialized agencies, and associate entities, as well as intergovernmental and non-governmental organizations;

9. Adopts the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model of guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

10. Urges Member States to be guided by the Model Strategies and Practical

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[4] **ST/CSDHA/20.**

[5] **E/CN.15/1997/11 and Add.1.**

Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

11. Requests the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division, to assist Member States at their request in utilizing the Model Strategies and Practical Measures;

12. Calls upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

13. Requests the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

14. Also requests the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur on violence against women, its causes and its consequences and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women on their areas of expertise;

15. Invites the Economic and Social Council to consider including the issue of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

16. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution.

Annex

MODEL STRATEGIES AND PRACTICAL MEASURES ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

1. The multifaceted nature of violence against women suggests that different strategies are required for different manifestations of violence and the various settings in which it occurs. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to deal with the problem of violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Recalling the definition of violence against women in the Declaration on

the Elimination of Violence against Women[6] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995,[7] the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build on the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[8] the Convention on the Rights of the Child,[9] and the International Covenant on Civil and Political Rights,[10] with a view to furthering their fair and effective implementation.

4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with, within the criminal justice system, the various manifestations of violence against women.

5. The Model Strategies and Practical Measures are aimed at providing de jure and de facto equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

I. CRIMINAL LAW

6. Member States are urged:

(a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and remove provisions that allow for or condone violence against women;

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[6] **General Assembly resolution 48/104.**

[7] **Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1).**

[8] **General Assembly resolution 34/180, annex.**

[9] **General Assembly resolution 44/25, annex.**

[10] **General Assembly resolution 2200 A (XXI), annex.**

(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;

(c) To review, evaluate and revise their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

II. CRIMINAL PROCEDURE

7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

(d) Rules and principles of defence do not discriminate against women, and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(g) The courts have, subject to the national constitution of their State, the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside of the domicile, and to impose penalties for breaches of these orders;

(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

(i) Safety risks are taken into account in decisions concerning non- or quasi-custodial sentences, the granting of bail, conditional release, parole or probation.

III. POLICE

8. Member States are urged, within the framework of their national legal systems:

(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;

(b) To develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence;

(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise and that these procedures also prevent further acts of violence;

(d) To empower the police to respond promptly to incidents of violence against women;

(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

(f) To encourage women to join police forces, including at the operational level.

IV. SENTENCING AND CORRECTIONS

9. Member States are urged, as appropriate:

(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

(i) Holding offenders accountable for their acts related to violence against women;

(ii) Stopping violent behaviour;

(iii) Taking into account the impact on victims and their family members of

sentences imposed on perpetrators who are members of their families;

(iv) Promoting sanctions that are comparable to those for other violent crimes;

(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.

V. VICTIM SUPPORT AND ASSISTANCE

10. Member States are urged, as appropriate:

(a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;

(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;

(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

(e) To establish a registration system for judicial protection and

restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.

VI. HEALTH AND SOCIAL SERVICES

11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;

(b) To establish, fund and coordinate services such toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;

(d) To establish better linkages between medical services, both private and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women;

(e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;

(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

VII. TRAINING

12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:

(a) To provide for or encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women;

(b) To ensure adequate training, sensitivity and education of police,

criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

(c) To encourage professional associations to develop enforceable standards of practice and behaviour for practitioners involved in the criminal justice system, which promote justice and equality for women.

VIII. RESEARCH AND EVALUATION

13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To develop crime surveys on the nature and extent of violence against women;

(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women, its causes and consequences;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The relationship between the victim and the offender;

(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.

IX. CRIME PREVENTION MEASURES

14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and the services that are specialized in the protection of women victims of violence;

(c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;

(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;

(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(f) To support initiatives of organizations seeking women's equality and non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination.

15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

X. INTERNATIONAL COOPERATION

16. Member States and United Nations bodies and institutes are urged, as appropriate:

(a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models;

(b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance in accordance with national law;

(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

17. Member States are urged:

(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women, for the States that are still not parties to it, so that universal ratification can be achieved by the year 2000;

(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;

(e) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications.

XI. FOLLOW-UP ACTIVITIES

18. Member States and United Nations bodies subject to extrabudgetary funds, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical guide for activities aimed at eliminating violence against women;

(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice systems, including their criminal legislation, on the basis of the Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to put the Model Strategies and Practical Measures into effect;

(f) To design standard training programmes and manuals for the police and criminal justice officials, based on the Model Strategies and Practical Measures;

(g) To periodically review and monitor, at the national and international levels, progress made in terms of plans, programmes and initiatives to eliminate violence against women in the context of the Model Strategies and Practical Measures.

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CRIME PREVENTION AND CRIMINAL JUSTICE

International cooperation against corruption and bribery in international commercial transactions

Note by the Secretariat

By its resolution 1997/25, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "International cooperation against corruption and bribery in international commercial transactions". The text of the draft resolution is reproduced below.

The General Assembly,

Disturbed by the bribery of public officials by individuals and enterprises of other States, in relation to international commercial transactions,

Convinced that such practices undermine the integrity of state bureaucracies and weaken social and economic policies by promoting corruption in the public sector, thus diminishing its credibility,

Convinced that the fight against corruption must be supported by sincere international cooperation efforts,

Recalling its resolution 3514 (XXX) of 15 December 1975, in which it, inter alia, condemned all corrupt practices, including bribery, by transnational corporations and other corporations, their intermediaries and others involved, in violation of the laws and regulations in host countries, reaffirmed the right of any State to adopt legislation and to investigate and take appropriate legal action, in accordance with its national laws and regulations, against such corrupt practices and called upon all Governments to cooperate to prevent corrupt practices, including bribery,

Recalling Economic and Social Council resolution 1995/14 of 24 July 1995, on action against corruption,

Recalling its resolution 50/225 of 19 April 1996, on public administration and development,

Recalling in particular its resolution 51/59 of 12 December 1996, in which it adopted the International Code of Conduct for Public Officials, annexed thereto, and recommended it to Member States as a tool to guide their efforts against corruption,

Recalling that, in its resolution 51/191 of 16 December 1996, it adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,

Recalling also that, in its resolution 51/191, it requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice, to examine ways to further the implementation of that resolution and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, to keep the issue of corruption and bribery in international commercial transactions under regular review and to promote the effective implementation of that resolution,

Taking note of the report of the Secretary-General on action against corruption and bribery[1] and of the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997,[2]

Welcoming developments that have advanced international understanding and cooperation regarding bribery in transnational business, such as the Inter-American Convention against Corruption, of the Organization of American States, March 1996, which includes an article on the prohibition of foreign commercial bribery, the ongoing work of the Council of Europe against corruption to elaborate several international conventions including provisions on bribery in international commercial transactions, the ongoing work in the World Trade Organization to improve transparency, openness and due process in government procurement procedures, the ongoing work of the member States of the Organisation for Economic Cooperation and Development including, as elements, the agreement to prohibit the tax deductibility of bribes paid to foreign public officials in international commercial transactions, and the commitment to criminalize the bribing of foreign public officials in international business transactions,

1. Agrees that all States should take all possible measures to further the implementation of the United Nations Declaration against Corruption and

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[1] E/CN.15/1997/3.

[2] E/CN.15/1997/3/Add.1, annex.

Bribery in International Commercial Transactions and of the International Code of Conduct for Public Officials;[3]

2. Urges Member States that have not yet done so to implement relevant international declarations and to ratify, where appropriate, international instruments against corruption;

3. Urges Member States to criminalize, in an effective and coordinated manner, the bribery of public office holders of other States in international commercial transactions and encourages them to engage, as appropriate, in programmatic activities to deter, prevent and combat bribery and corruption, for example, by diminishing institutional barriers through the development of integrated management systems and the promotion of legal reform in accordance with their fundamental legal principles in both the public and private sectors, by encouraging a greater role for citizens in the development of transparent and accountable governments, by supporting the active participation of non-governmental organizations in the identification, planning and implementation of initiatives that raise ethical standards and practices in both government and business transactions and by providing training and technical assistance to other States, as appropriate, to develop and implement standards of good governance, in particular, accountability and transparency, legitimate commercial and financial conduct and other anti-corruption measures;

4. Requests the Secretary-General to invite each Member State to provide a report on steps taken to implement the provisions of the Declaration, including those dealing with criminalization, effective sanctions, tax deductibility, accounting standards and practices, development of business codes, illicit enrichment, mutual legal assistance and bank secrecy provisions, as well as on national anti-corruption strategies and policies, for compilation by the Secretary-General, distribution and consideration by the Commission on Crime Prevention and Criminal Justice, with a view to examining further steps to be taken for the full implementation of the Declaration;

5. Invites competent international, regional and non-governmental organizations to provide relevant information to the Commission on Crime Prevention and Criminal Justice on international efforts to combat corruption and bribery;

6. Requests the Secretary-General, subject to the availability of extrabudgetary funds, to intensify technical assistance to combat corruption, providing advisory services to Member States that request such services, and urges Member States to provide the Secretariat with the necessary extrabudgetary funds for such technical assistance;

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[3] General Assembly resolution 51/191, annex.

[4] General Assembly resolution 51/59, annex.

7. Requests the Commission on Crime Prevention and Criminal Justice to give attention to the question of the bribery of public office holders of other States in international commercial transactions and to include in its agenda for a future session a review of action by States to implement the Declaration.

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CRIME PREVENTION AND CRIMINAL JUSTICE

International cooperation in criminal matters

Note by the Secretariat

By its resolution 1997/26, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "International cooperation in criminal matters". The text of the draft resolution is reproduced below.

The General Assembly,

Acknowledging the benefits of the enactment of national laws providing the most flexible basis for extradition, and bearing in mind that some developing countries and countries with economies in transition may lack the resources for developing and implementing treaty relations in extradition, as well as appropriate national legislation,

Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in law enforcement must be continuously reviewed and revised to ensure that the specific contemporary problems of fighting crime are being effectively addressed at all times,

Convinced that reviewing and revising the United Nations model treaties will contribute to increased efficiency in combating criminality,

Commending the work of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996, to implement in part Economic and Social Council resolution 1995/27 of 24 July 1995 by

reviewing the Model Treaty on Extradition[1] and by proposing complementary provisions for it, elements for model legislation in the field of extradition, and training and technical assistance for national officials engaged in the field of extradition,

Commending also the International Association of Penal Law and the International Institute of Higher Studies in Criminal Sciences for providing support for the Meeting and the Governments of Finland, Germany and the United States of America and the United Nations Interregional Crime and Justice Research Institute for their cooperation in the organization of the Meeting,

Recognizing that the work of the Intergovernmental Expert Group could not be fully completed given the limited amount of time available to it and was therefore ultimately limited to the field of extradition,[2]

Determined to implement Economic and Social Council resolution 1995/27, section I, in which the Council requested the Secretary-General to convene a meeting of an intergovernmental expert group that should explore ways of increasing the efficiency of extradition and related mechanisms of international cooperation,

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MUTUAL ASSISTANCE

1. Requests the Secretary-General to convene, using extrabudgetary funds already offered for this purpose, a meeting of an intergovernmental expert group to examine practical recommendations for the further development and promotion of mutual assistance in criminal matters;

2. Recommends that the expert group should, in accordance with Economic and Social Council resolution 1995/27, section I, explore ways and means of increasing the efficiency of this type of international cooperation, having due regard to the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters,[3] developing model legislation and providing technical assistance in the development of agreements;

3. Recommends that the expert group should submit a report on the implementation of the present resolution to the Commission on Crime Prevention and Criminal Justice no later than at its eighth session;

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[1] General Assembly resolution 45/116, annex.

[2] E/CN.15/1997/6 and Corr.1, annex, para. 12.

[3] General Assembly resolution 45/117, annex.

II

EXTRADITION

1. Welcomes the report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996;[4]

2. Decides that the Model Treaty on Extradition should be complemented by the provisions set forth in the annex to the present resolution;

3. Encourages Member States, within the framework of national legal systems, to enact effective extradition legislation, and calls upon the international community to give all possible assistance in achieving that goal;

4. Requests the Secretary-General to elaborate, in consultation with Member States and subject to extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation to assist Member States in giving effect to the Model Treaty on Extradition, in order to enhance effective cooperation between States, taking into account the elements in the contents of model legislation[5] recommended by the Intergovernmental Expert Group on Extradition;

5. Invites States to consider taking steps, within the framework of national legal systems, to conclude extradition and surrender or transfer agreements;

6. Urges States to revise bilateral and multilateral law enforcement cooperation arrangements as an integral part of the effort to effectively combat constantly changing methods of individuals and groups engaging in organized transnational crime;

7. Urges Member States to use the Model Treaty on Extradition as a basis in developing treaty relations at the bilateral, regional and multilateral level, as appropriate;

8. Urges Member States to continue to acknowledge that the protection of human rights should not be considered inconsistent with effective international cooperation in criminal matters, while recognizing the need for fully effective mechanisms for extraditing fugitives;

9. Invites Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the use and application of extradition treaties or other arrangements:

(a) Establishing and designating a national central authority to process requests for extradition;

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[4] E/CN.15/1997/6 and Corr.1, annex.

[5] E/CN.15/1997/6 and Corr.1, annex, para. 1, annex II.

(b) Undertaking regular reviews of their treaty or other extradition arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating new and complex forms of crime;

(c) Simplifying and streamlining procedures necessary to execute and initiate requests for extradition, including the provision to requested States of information sufficient to enable extradition;

(d) Reducing the technical requirements, including documentation, necessary to satisfy the tests for extradition where a person is accused of an offence;

(e) Providing for extraditable offences to extend to all acts and omissions that would be a criminal offence in both States carrying a prescribed minimum penalty and not to be individually listed in treaties or other agreements, particularly with respect to organized transnational crime;

(f) Ensuring effective application of the principle of aut dedere aut judicare;

(g) Paying adequate attention, when considering and implementing the measures mentioned in subparagraphs 9 (b) to (f) above, to furthering the protection of human rights and the maintenance of the rule of law;

10. Encourages Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to facilitate extradition, such as specialized training and, whenever possible, secondment and exchanges of personnel, as well as the appointment in other States of representatives of prosecuting agencies or of judicial authorities, in accordance with national legislation or bilateral agreements;

11. Reiterates its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to extradition, as well as updated information on central authorities designated to deal with requests;

12. Requests the Secretary-General:

(a) Subject to extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 11 above;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in the development, negotiation and implementation of bilateral, subregional, regional or international treaties on extradition, as well as the drafting and application of appropriate national legislation, as necessary;

(c) To promote regular communication and exchanges of information between central authorities of Member States dealing with requests for extradition and

to promote meetings of such authorities on a regional basis for Member States wishing to attend;

(d) To provide, taking into account the recommendations for a training programme[9] contained in the report of the Intergovernmental Expert Group, in cooperation with relevant intergovernmental organizations, with the participation of interested Member States at the intergovernmental organizational meeting referred to in the recommendations and subject to extrabudgetary resources, training for personnel in appropriate governmental agencies and central authorities of requesting Member States on extradition law and practice designed to develop necessary skills and improve communications and cooperation aimed at enhancing the effectiveness of extradition and related practices;

13. Also requests the Secretary-General, subject to extrabudgetary resources and in cooperation with other relevant intergovernmental organizations, the United Nations Interregional Crime and Justice Research Institute and the other institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

14. Commends the International Institute of Higher Studies in Criminal Sciences for its offer to organize and host a coordination meeting for the purpose of developing the training material referred to in paragraph 13 above, as well as training courses on extradition law and practice;

15. Requests the Secretary-General to ensure the full implementation of the provisions of the present resolution and urges Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

16. Also requests the Secretary-General to submit the report on the Intergovernmental Expert Group Meeting on Extradition, together with the present resolution, to the Preparatory Committee on the Establishment of an International Criminal Court for consideration.

ANNEX

Complementary provisions for the Model Treaty on Extradition

Article 3

1. Move footnote 9 into the text of paragraph (a) at the end of the existing paragraph.

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[9] E/CN.15/1997/6 and Corr.1, annex, para. 1, annex III.

2. Add new footnote to paragraph (a): "Countries may wish to exclude certain conduct, e.g. acts of violence, such as serious offences involving an act of violence against the life, physical integrity or liberty of a person, from the concept of political offence".

3. Add to footnote 10 to paragraph (e): "Countries may also wish to restrict consideration of the issue of lapse of time to the law of the requesting State only or to provide that acts of interruption in the requesting State should be recognized in the requested State".

Article 4

4. Add footnote to paragraph (a): "Some countries may also wish to consider, within the framework of national legal systems, other means to ensure that those responsible for crimes do not escape punishment on the basis of nationality, such as, inter alia, provisions that would permit surrender for serious offences, or permit temporary transfer of the person for trial and return of the person to the requested State for service of sentence".

5. Add to paragraph (d) the same aut dedere aut judicare provisions as are found in paragraphs (a) and (f).

Article 5

6. Replace the existing footnote 14 to paragraph 2 (b) with the following: "Countries requiring evidence in support of a request for extradition may wish to define the evidentiary requirements necessary to satisfy the test for extradition, and in doing so should take into account the need to facilitate effective international cooperation".

7. Add a new footnote to article 5: "Countries may wish to consider including the most advanced techniques for the communication of requests, means which could none the less establish the authenticity of the documents as emanating from the requesting State".

Article 6

8. Add a footnote to article 6: "Countries may wish to provide for the waiver of speciality in the case of simplified extradition".

Article 14

9. Eliminate footnote 16 to paragraph 1 (b).

10. Add a new footnote to paragraph 1 (a): "Countries may also wish to provide that the rule of speciality is not applicable to extraditable offences provable on the same facts, and carrying the same or a lesser penalty as the original offence for which extradition was requested".

11. Add a footnote to paragraph 2: "Countries may wish to waive the requirement for the provision of some or all of these documents".

Article 15

12. Add to footnote 18 to paragraph 2: "However, countries may wish to provide that transit should not be denied on the basis of nationality".

Article 17

13. Add to footnote 19 to paragraph 2: "There may also be cases for consultations between the requesting and requested States for the payment by the requesting State of extraordinary costs, particularly in complex cases where there is a significant disparity in the resources available to the two States".

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Agenda item 112

HUMAN RIGHTS QUESTIONS

Racism, racial discrimination, xenophobia and related intolerance

Note by the Secretariat

The attention of the General Assembly is drawn to Economic and Social Council decision 1997/293, entitled "Racism, racial discrimination, xenophobia and related intolerance". The text of the decision is reproduced below.

Decision 1997/293. Racism, racial discrimination, xenophobia and related intolerance

1. At its 39th plenary meeting, on 23 July 1997, the Economic and Social Council, taking note of Commission on Human Rights resolution 1997/74 of 18 April 1997, approved the Commission's requests:

(a) To the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

(b) To the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

(c) To the Secretary-General to provide the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

2. The Council endorsed the Commission's decision to recommend to the General Assembly the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourge of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance.

3. The Council also endorsed the Commission's recommendations to the General Assembly:

(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

(b) That when deciding on the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(c) That the world conference on racism and racial discrimination, xenophobia and related intolerance be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That it decide that the Commission on Human Rights should act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

(e) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

(f) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;

(g) That it request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and other related forms of intolerance.

4. The Council approved the Commission's recommendation that the world conference on racism and racial discrimination, xenophobia and related intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy.

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SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY

Dominican Republic, Germany and Spain: proposed amendments to draft resolution contained in document A/C.3/52/L.2

1. Add the following new operative paragraph 17:

   Takes note with appreciation of the report of the Secretary-General entitled "Operational framework for the International Year of Older Persons, 1999";[1]

2. Add the following new operative paragraph 18:

   Welcomes the initiative of the United Nations Educational, Scientific and Cultural Organization and the American Association of Retired Persons to collaborate on a Worldwide Poster Competition for the Year, in which artists will portray their vision of "A Society for All Ages";

3. Renumber the remaining paragraphs accordingly.

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[1] A/52/328.

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SOCIAL DEVELOPMENT, INCLUDING QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY

Algeria, Bangladesh, Belarus, Costa Rica, Côte d'Ivoire, Dominican Republic, Fiji, Germany, Jordan, Madagascar, Monaco, Mongolia, Morocco, Myanmar, Sudan and Turkey: draft resolution

Education for all

The General Assembly,

Recalling that in the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the Convention on the Rights of the Child[3] the right of every individual to education is recognized as inalienable,

Recalling also its resolutions 45/104 of 7 December 1987, by which it proclaimed 1990 as International Literacy Year, and 44/127 of 15 December 1989, 46/93 of 16 December 1991 and 50/143 of 21 December 1995, in which it called for continuing international efforts to promote literacy,

Recalling further its resolution 45/126 of 14 December 1990, in which it called for strengthening efforts towards the elimination of illiteracy of women of all ages,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 44/25, annex.

Mindful of the fact that eradication of illiteracy is one of the paramount objectives of the International Development Strategy for the Fourth United Nations Development Decade,[4]

Deeply concerned about the persistence of the gender gap in education which is reflected by the fact that nearly two thirds of the world's adult illiterates are women,

Convinced that literacy, especially functional literacy and adequate education, represents an indispensable element for the development and harnessing of science, technology and human resources for economic and social progress,

Convinced also that, as emphasized in its resolution 49/184 entitled "United Nations Decade for Human Rights Education", human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels in development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Confident that the International Literacy Year and the World Conference on Education for All, held at Jomtien, Thailand, in 1990, resulted in increased awareness and support for literacy efforts and becoming a turning point in the struggle for a literate world,

Underlining the importance of sustaining and further promoting the progress achieved since the International Literacy Year and the Jomtien Conference,

Welcoming the Amman Affirmation,[5] the final communiqué of the mid-decade meeting of the International Consultative Forum on Education for All, adopted at Amman in June 1996, which reaffirmed the necessity for and possibility of bringing the benefits of education for all,

Recognizing that, despite the significant progress in basic education, especially the increase in primary school enrolment coupled with a growing emphasis on the quality of education, major problems, both emerging and continuing, still persist which require even more forceful and concerted action at national and international levels to achieve the goal of education for all,

1. Takes note of the report of the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization entitled "Progress report on the implementation process of the education for all objectives";[6]

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[4] Resolution 45/199, annex.

[5] A/52/183, annex.

[6] A/52/183.

2. Takes note with satisfaction of resolution 1997/7 on the realization of the right to education, including education in human rights, of the Subcommission on Prevention of Discrimination and Protection of Minorities;

3. Reaffirms that basic education for all is an effective condition and means for achieving aims of eradicating poverty, reducing child mortality, curbing population growth, achieving gender equality, and ensuring democracy, peace and sustainable development;

4. Acknowledges the efforts of the mid-decade review of progress towards achieving the goals of education for all in identifying both continuing and emerging challenges and stressing the need to meet those challenges and to accelerate the efforts to meet the basic needs of people of all age groups, particularly girls and women;

5. Appeals to all Governments to step up their efforts to eradicate illiteracy and to direct education towards the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms, as emphasized by the proclamation of the United Nations Decade for Human Rights Education, 1995-2004;

6. Also appeals to all Governments to redouble their efforts to achieve their own goals of education for all by setting firm targets and timetables, where possible, including gender-specific education targets and programmes to combat the illiteracy of women and girls, and, by working in active partnership with communities, associations, the media and development agencies, to reach those targets;

7. Invites Member States, the specialized agencies and other organizations of the United Nations system and relevant intergovernmental and non-governmental organizations to further intensify their efforts to effectively implement the World Declaration on Education for All,[7] and the United Nations Educational, Scientific and Cultural Organization Plan of Action for the Eradication of Illiteracy by the Year 2000,[8] as well as the relevant commitments and recommendations to promote literacy contained, inter alia, in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s,[9] of the World Summit for Children, and Programme of Action of the International Conference on Population and

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[7] Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix I.

[8] See United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Twenty-fifth Session, Paris, 17 October to 16 November 1989, vol. 1, Resolutions.

[9] See A/45/625.

Development,[10] the Copenhagen Declaration on Social Development[11] and Programme of Action of the World Summit for Social Development,[12] the Beijing Declaration[13] and Platform for Action,[14] adopted by the Fourth World Conference on Women, the Delhi Declaration of the Education for All Summit of Nine High-Population Developing Countries,[15] the Amman Affirmation,[16] and the Hamburg Declaration on Adult Learning and the Agenda for the Future of Adult Learning, with a view to better coordinating their activities and increasing their contribution to development;

8. Recommends that all Member States, and relevant organizations of the United Nations, as well as non-governmental organizations, provide the necessary information on the implementation of the strategies of education for all to the Secretary-General of the United Nations and the Director-General of the United Nations Educational, Scientific and Cultural Organization so as to enable them to report on the overall progress achieved and the shortfalls encountered in attaining the goal of education for all;

9. Requests the Secretary-General, in cooperation with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to consider effective ways and means for achieving the goal of education for all, including the desirability and the feasibility of launching a United Nations decade to eradicate illiteracy, and to report thereupon to the General Assembly at its fifty-fourth session, through the Economic and Social Council;

10. Decides to include in the provisional agenda of its fifty-fourth session the question of cooperation towards education for all under the item on social development.

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[10] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[11] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[12] Ibid., annex II.

[13] Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[14] Ibid., annex II.

[15] Report of the Director-General on the Education for All Summit of Nine High-Population Developing Countries, New Delhi, 13-16 December 1993, United Nations Educational, Scientific and Cultural Organization, Executive Board, document 144 EX/30, annex.

[16] A/52/183, annex.